

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Los Angeles District

FILE NUMBER: 2006-00799-AOA

REGULATORY PROJECT MANAGER: Aaron O. Allen, Ph.D. **Date:** March 20, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** March 20, 2006
At the project site (Y/N) N **Date:** _____

PROJECT LOCATION INFORMATION:

State: California

County: Los Angeles

Center coordinates of site by latitude & longitudinal coordinates: 34-26-07 & -118-35-49

Approximate size of site/property (including uplands & in acres): 1.0

Name of waterway or watershed: Unnamed drainage ditch (Santa Clara Watershed)

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The applicant proposes to impact two isolated man-made drainage ditches to replace existing off-ramps for Rye Canyon in two unnamed drainage ditches in Santa Clarita, Los Angeles County, California. One of the man-made drainage ditches is only 30 feet long and lacks an Ordinary Highwater Mark (OHWM) and the second ditch is approximately 500 feet long, terminating in upland area. The two ditches have no outlet culverts and do not connect to any downstream waters of the United States during small or moderate storm events (the closest tributary is a concrete channel located 600 feet to the north of the end of the larger ditch). Because one of the ditches does not exhibit an OHWM, it is not considered waters of the United States. The second ditch does exhibit an OHWM and does support some wetland and riparian habitat and, as a result, could have been considered waters of the United States prior to the SWANCC decision (ditch is approximately 0.07 acres). In terms of substantial interstate commerce connections, there is no

evidence that water from ditch is utilized for industrial purposes, recreation, fish or shellfish production that generates interstate commerce and there is also no evidence of navigation. Based on the above information, the man-made ditch with an OHWM is a non-navigable isolated water body that does not exhibit substantial interstate commerce and, therefore, is no longer subject o the Corps jurisdiction with the SWANCC Supreme Court decision.